

**Livable Delaware Advisory Council
February 14, 2005
Paradee Center, Dover**

Minutes

The Governor's Advisory Council on Planning Coordination held a meeting on Monday, February 14, 2005 at the UofD Paradee Center, State Personnel Training Center, Dover, Delaware.

Members Present: Lt. Governor John Carney, Chair
Director Judy McKinney Cherry
Mayor Brad Connor
Bernice Edwards
Secretary Nathan Hayward
Secretary John Hughes
Randy Marvel
Robert McLeod
Paul Morrill
Ken Murphy
Marty Ross
Representative Roger Roy
Lee Ann Walling
Rick Woodin

Members Absent: Eileen M. Butler
Chris Coons
Joe Corrado
Richard Pryor
Secretary Michael Scuse
Robert Stickels
Senator Robert L. Venable

Lt. Governor Carney called the meeting to order at 1:10 p.m. The Council approved the minutes from the previous meeting on December 13, 2004.

Rep. Roy asked whether there would be annexation legislation this session. Connie Holland and Lee Ann Walling responded that there would be a bill with three parts: 1) to require certification of a comprehensive plan before a municipality could annex; 2) enabling municipalities to annex "enclaves;" and 3) lifting the annexation restriction on the City of Wilmington. Mayor Connor later said he would like to be included in any annexation discussion.

Lt. Governor Carney introduced the two newest members of the Council: Mayor Brad Connor of Dagsboro, representing the League of Local Governments, and Bernice Edwards, Executive Director of the First State Community Action Agency, representing community development interests.

Livable Delaware Criteria

Connie Holland introduced the Livable Delaware ranking criteria her office has been drafting. The criteria would be used to recognize and reward local governments and developers for projects that follow principles of "Better Models for Development in Delaware." The criteria could not be used to deny a project, but instead provide positive reinforcement. Also, some residential development projects claim to be "Livable Delaware," but do not reflect the principles outlined by the criteria.

Two prequalifiers for a project being ranked at all are: 1) the project must be consistent with Livable Delaware and the Strategies for State Policies and Spending and 2) it must be consistent with the local government's comprehensive plan.

Members made several comments and suggestions on the criteria:

- Lt. Governor Carney offered that the scoring of different elements on a 1 to 5 basis seemed a bit subjective;
- Secretary Hughes suggested changing the word "scenic" to "environmental" on page 1 (Better Models principles)
- On page 5, Secretary Hughes commented that any project will increase stormwater runoff; appropriate language should be that project is "designed to minimize" runoff, rather than "reduce" it;
- Also on page 5, Secretary Hughes commented that a project won't "reduce" air pollution, but should be "designed to minimize" it;
- Secretary Hughes also pointed out open-ended language regarding historic preservation on page 6, commenting that the State Historic Preservation Office already has broad latitude to affect projects;
- Marty Ross said the standards set the bar very high, and the State should evaluate a mix of current projects to see how they would rather under these criteria. He was also concerned that the criteria are skewed to rank redevelopment projects high;
- Director Cherry suggested using Cannery Village in Milton as an example, and Connie Holland agreed that her office would prepare a presentation using examples;
- Secretary Hayward suggested the criteria consider "green" building criteria, such as intelligent HVAC systems and other measures to cut costs and reduce pollution such as the use of recycled building materials;
- Director Cherry suggested using the pre-installation of fiber as a criterion;
- Paul Morrill warned against small-town infill projects being left out;
- Bob McLeod suggested that suburban, urban and rural projects can't be compared to each other and that there should be separate tracks for each of the three;
- Lee Ann Walling commented that the State should understand what type of recognition/reward would really matter to developers and local governments to encourage more projects that attempt to meet the criteria.

Affordable Housing/Executive Order

Lee Ann Walling said the administration was developing an executive order to encourage the development of more affordable housing. The term “affordable” requires definition, but the sense is that working professionals in areas such as government, education, health care, law enforcement, etc., cannot generally afford the type of housing being built in suburban New Castle County and, especially, in Sussex County.

In addition, the State exercises a great deal of leverage in certain development projects such as the Christina Riverfront, Westtown in Middletown and Eden Hill in Dover. To date, it has not used that leverage to encourage the construction of a percentage of “affordable” units.

Lt. Governor Carney said Wilmington has difficulty supporting itself because of a high percentage of subsidized housing and needs the revenue generated by Riverfront development, so it would not likely be supportive of an affordable housing set-aside there. He commented that the economic value being created by the Riverfront development benefits the entire city.

Secretary Hughes commented that the goal of getting people out of poverty is not to get them wealthy, but to get them to the next step. Working two-member families would be an enhancement to a neighborhood.

Rep. Roy said the State and City control the Wilmington Public Works property and its redevelopment, and that an affordable housing component could be part of the negotiations with would-be developers.

(4/5/05 Update: The Governor’s Office submitted an application in competition with several other states to be admitted into a National Governors Association Policy Academy on Affordable Housing and Economic Development, underwritten by the Fannie Mae Foundation. The application was successful, and incentives to promote affordable housing near employment centers will be among the deliverables of this project.)

Waiving of Municipal Plan Review

Lt. Governor Carney pointed out that House Bill 255, passed in 2001, indicated that the Governor’s Advisory Council on Planning Coordination could waive the review of municipal comprehensive plans if the Office of State Planning Coordination determined that the plan met the requirements outlined in State law and was consistent with the Strategies for State Policies and Spending.

However, the Advisory Council never formally – as recorded in meeting minutes – agreed to waive review and delegate it to the Office of State Planning Coordination.

To date, Smyrna has been the only local government with a problematic comprehensive plan that was reviewed by the Advisory Council and ultimately went to dispute resolution.

Mayor Connor made a motion to reaffirm that the Advisory Council could waive the review of undisputed comprehensive plans. Ken Murphy seconded the motion. It was approved by voice vote.

Lt. Governor Carney adjourned the meeting at 3 p.m.